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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

MM Docket No. 87-268

In the Matter of )  
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Advanced Television Systems )  
and Their Impact Upon the )  
Existing Television Broadcast )  
Service )

TO: The Commission

**RESPONSE OF NEXSTAR BROADCASTING GROUP, L.P. AND NEXSTAR  
BROADCASTING OF THE MIDWEST, INC. TO THE EX PARTE FILING OF THE  
ASSOCIATION OF MAXIMUM SERVICE TELEVISION, INC.**

Nexstar Broadcasting Group, L.P. and Nexstar Broadcasting of the Midwest, Inc.

(together, "Nexstar"), by their attorneys, pursuant to the Commission's Public Notice of  
December 2, 1997, hereby submits their comments to the ex parte comments of the Association  
of Maximum Service Television, Inc. in the above-captioned proceeding.

Ex parte comments of MSTV. MSTV's comments are intended to address two issues:  
DTV - DTV adjacent channel interference (the extent of which became known only last summer)  
and the coverage and interference concerns in congested areas, or as MSTV calls them, "Acute  
Problem" areas. The Commission, of course, was well aware of the difficulties in congested  
areas and, in fact, participated in the investigation of the issue that was performed by the  
Advanced Televising Technology Center. On October 28, 1997, at MSTV's "Digital Television  
Update," Bruce Franca, Deputy Chief of the Office of Engineering and Technology, addressed  
the adjacent channel issue and noted that in its reconsideration of the Fifth Report and Order, the  
Commission intended to make specific changes to its DTV Allotment table or recommend  
engineering techniques that would ameliorate the problem.

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Meanwhile, all during the summer, stations across the country had been busy evaluating the Commission's allotment table, obtaining reports from consulting engineers to determine difficulties, if any, with specific assignments, and planning for their introduction of DTV technology according to the schedule set forth by the Commission. Stations began their search for tower locations and began efforts to collocate antennas as the Commission advised. A significant reliance was placed on the Commission's promised efforts to resolve cases of significant adjacent channel interference.

MSTV, in a significant effort of its own, has proposed its solution to the adjacent channel problem and the congested area problem as well. The result, unfortunately, is a new DTV allotment table, which, while leaving many stations unaffected, makes significant changes for hundreds of others.<sup>1</sup>

It is difficult, in the short time permitted, to fully assess the new MSTV table of allotments. Its changes on behalf of individual stations across the country have created ripple effects for others. Determining the ultimate source of these effects is next to impossible. In addition, it appears that MSTV's techniques for determining service areas might have differed from those used by the Commission in some small degree, producing artifacts that make evaluating the table more difficult. In some cases, for instance, MSTV's table purporting to show the negative effects of the adjacent channel problem, shows *increased* DTV and even

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<sup>1</sup> It is possible, of course, that the Commission's attempts to deal with the adjacent channel problem will also result in a completely new table. Hopefully, the Commission will take a more surgical approach. Nexstar reserves the opportunity to comment on any new table that the Commission might adopt. In the meantime, "Sufficient unto the day is the evil thereof." -- Matthew 6:34.

NTSC service areas.<sup>2</sup> It is not immediately apparent why this should be the case. MSTV's "Improvements to the DTV Table" (presumably the "fix" for the problems of adjacent channel interference and the congested area problem) does in fact improve the lot of many stations to one degree or another, but at the same time makes things worse for many others.

In its submission, MSTV explains that its improvements were:

[D]erived from the same neutral principles that have guided other joint industry efforts in the past to inform the Commission's DTV allotment/assignment process. By neutral, we mean that channel assignments are made systematically by a computer program that is blind to station identity -- to who owns a station or whether a station is noncommercial, commercial, a network affiliate or an independent.

If the computer program were blind, one can only presume that, at some stage of computation, it was provided with at least a white cane. Clearly, some groups of stations -- large market network affiliates -- fare differently than others. For instance, the Commission gave assigned channels 60-69 to 14 stations, seven of which are affiliated with some network. In MSTV's re-working of the table, all of these stations received more favorable assignments outside the channel 60-69 block. MSTV, in its table, allotted 38 stations to channels 60-69 (which, given the requirement that the Commission reallocate these channels for public safety use, seems a futile act). Only five of these stations are affiliated with the three major networks. It seems that neutrality served large market network affiliates quite well.

The effect of the MSTV table on Nexstar stations. MSTV's treatment of Nexstar's

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<sup>2</sup> As an example, MSTV's Exhibit 1B, FCC DTV Table with Corrected Coverage and Interference Figures, shows WYOU in Scranton, Pennsylvania gaining DTV coverage area and the number of people served by DTV.

WYOU, Scranton, Pennsylvania, is a typical example of the peculiarities associated with the "Improvements" in the allotment table. The Commission assigned WYOU DTV channel 13. According to MSTV table 1B, to the extent interference affects WYOU it only makes things better! Both DTV and NTSC coverage are marginally increased, interference to NTSC coverage area and population go down slightly and the degree of DTV replication of the NTSC signal actually increases a bit. Clearly, it was not necessary to change the table on WYOU's behalf. The MSTV computer, however, grinding away blindly on someone's behalf, decided to shake up the Scranton market a bit. As a result, MSTV has now assigned WYOU DTV channel 2, a channel that may not be in the Commission's "core" spectrum, ultimately. Moreover, an additional 3.7% of WYOU's NTSC service area and additional 1.7% of its NTSC viewers will experience interference.

In nearby Wilkes-Barre, Pennsylvania, WBRE does not fare particularly better than WYOU. MSTV's attempts to correct a non-existent interference problem result in more interference. Of more significance, WBRE, assigned DTV channel 11 by the Commission, is given DTV channel 13 by MSTV. Under the Commission's plan WYOU and WBRE were assigned DTV channels 13 and 11, respectively. Based on these assignments, the two stations have already agreed to collocate facilities and share a transmitting antenna as urged by the Commission. Apart from the technical benefits of this plan, costs will be reduced substantially as the stations enjoy economies of scale. Under the MSTV scheme, however, collocation and antenna sharing are not possible. Channels 2 and 13 cannot share an antenna. In the cases of WYOU and WBRE, MSTV's corrected table of allotments creates only harm.

In most cases MSTV's proposed changes to the table of allotments either have little effect

on Nexstar's NTSC and DTV stations or make their prospects worse. It may be that the adjacent channel interference problem is so severe (even though, in most cases, the MSTV figures do not show that to be the case), that the Commission too will have to resort to wholesale tinkering with the entire allotment table. That would be regrettable. Too much has already been invested in the present table and too much time has passed if the Commission expects stations to meet the strict schedule of digital television roll-out.

Conclusion. MSTV seeks to solve problems endemic to the most congested areas, served by the largest and most powerful stations. Its efforts may lighten the load for a few, and for this MSTV is to be congratulated, but they create a heavier burden for others. Nexstar believes the Commission should address the adjacent channel interference problem on an individual basis, not through wholesale change. For its part, Nexstar is ready and eager to begin the digital transition. All that is needed is a bit of certainty. Hopefully, the end game is approaching.

Respectfully submitted,

NEXSTAR BROADCASTING GROUP, L.P.  
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